

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

DEVON CHRISTOPHER WENGER,
Defendant.

Case No. [23-cr-00268-JSW-2](#)

**SECOND ORDER REQUIRING
SUPPLEMENTAL DECLARATIONS
REGARDING NOTICE RE
PROTECTIVE ORDER VIOLATIONS**

Re: Dkt. No. 241

UNITED STATES OF AMERICA,
Plaintiff,

v.

DEVON CHRISTOPHER WENGER,
Defendant.

Case No. 23-cr-00269-JSW-3

Re: Dkt. No. 622

This matter comes before the Court upon consideration of the Government’s notices regarding apparent violations of the Protective Orders that govern in these cases. The Protective Orders specifically provide that “materials provided pursuant to this protective order may only be used for the specific purpose of preparing or presenting a defense in this matter unless specifically authorized by the Court.” The Government has submitted evidence of materials that are covered by the Protective Orders that were published in an article on a website.¹ The Court did not authorize the use of the materials in question and those materials were not used to prepare or

¹ The Court will not include the title of the article or the website in this Order. It is contained in the Government’s under seal brief.

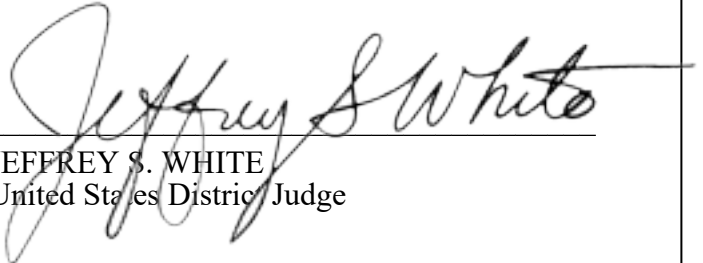
1 present Mr. Wenger's defense in court. The responses from Mr. Wenger do not dispute that
2 materials covered by the Protective Order appear in the article.

3 To further develop the record, the Court issued an order requiring each of Mr. Wenger's
4 former counsel to submit a declaration to the Court addressing the questions in the Government's
5 notices. The Court permitted counsel to file those declarations under seal and *ex parte*, pending
6 further Order of the Court. The Court Ordered former counsel to file those declarations by no later
7 than December 17, 2025. However, the Court did not direct that the Order be served on former
8 counsel. The Court did receive a response from former counsel Candice L. Fields, who was co-
9 counsel with David Fischer. Based on that response, the Court will not require a declaration from
10 Mr. Fischer at this time.

11 The Court issues this Order to require a declaration from former counsel Nicole Lopes
12 regarding the following questions addressed in the Government's notice: (1) whether she allowed
13 Wenger unsupervised access to any protected discovery materials; (2) whether she provided any
14 protected discovery materials to Wenger without redactions or other protections mandated by the
15 Protective Order; (3) whether she provided any protected discovery to the website,
16 "thecurrentreport.com" or any other third parties and, if so, which third parties; and (4) whether
17 any discovery materials were used for any purpose other than preparing or presenting a defense in
18 this manner. Ms. Lopes shall file this declaration under seal and *ex parte* by no later than February
19 6, 2026. Once the Court has received Ms. Lopes' declaration, it will either require further briefing
20 or will set a hearing to address the Government's request.

21 **IT IS SO ORDERED.**

22 Dated: January 14, 2026

23 
24 JEFFREY S. WHITE
25 United States District Judge
26
27
28